

HOUSE BILL 879

By Maddox

AN ACT to amend Tennessee Code Annotated, Title 67,
Chapter 4, relative to submission of information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-2601, is amended by adding a new, appropriately designated subdivision:

() “Applicable returns” means the following returns or reports relating to cigarettes that are filed or required to be filed with the Alcohol and Tobacco Tax and Trade Bureau, United States Department of Treasury, after the effective date of this act: Alcohol and Tobacco Tax and Trade Bureau Form 5000.24; Alcohol and Tobacco Tax and Trade Bureau Form 5210.5; Alcohol and Tobacco Tax and Trade Bureau Form 5220.6; and any successor returns or reports intended to replace Forms 5000.24, 5210.5, or 5220.6;

SECTION 2. Tennessee Code Annotated, Section 67-4-2604(a), is amended by deleting the words “non-participating manufacturer of” from the second sentence.

SECTION 3. Tennessee Code Annotated, Section 67-4-2604, is amended by adding the following language as a new, appropriately designated subsection:

(f)

(1) As a condition of selling cigarettes in the state of Tennessee, every manufacturer of cigarettes, as defined in § 67-4-2601, whose cigarettes are to be sold in the state of Tennessee, whether directly or through a distributor, importer, retailer, or similar intermediary or intermediaries shall, at the election of such manufacturer, either:

(A) Submit to the attorney general a true and correct copy of each and every applicable return of such tobacco product manufacturer; or

(B) Submit to the United States Treasury a request or consent under Internal Revenue Code § 6103(c) authorizing the alcohol and tobacco tax and trade bureau to disclose the applicable returns of such manufacturer to the attorney general.

(2) A foreign tobacco product manufacturer whose cigarettes are imported in to the United States by an importer or importers shall submit, or shall cause each of its importers to submit, to the attorney general each and every applicable return that includes any information about cigarettes of that foreign tobacco product manufacturer imported into the United States.

(3) The attorney general shall not disclose any applicable returns or any information contained therein, except as provided in subdivision (f)(4), notwithstanding any statute of this state that otherwise authorizes or requires the disclosure of information by the attorney general.

(4) The attorney general's office shall compile data on cigarette shipments from the applicable returns and shall share such data with other states that are signatories to the Master Settlement Agreement, as defined in § 67-4-2601, provided that such states impose protections against disclosure of the applicable returns, or any information from applicable returns, that are equivalent to the protections provided under this subsection. No other disclosures of the applicable returns, or of information from the applicable returns may be made by the attorney general.

(5) A manufacturer of cigarettes who does not comply with the requirements of this subsection (f) shall, after thirty (30) day's notice by the state

of Tennessee to such manufacturer of the compliance failure, lose it authority to sell cigarettes in the state of Tennessee unless such manufacturer has brought itself into compliance by the end of the thirty-day period.

(6) Any tobacco manufacturer or importer who intentionally provides any applicable return containing materially false information shall be guilty of a Class E felony. The provision of each applicable return containing one or more false statements shall constitute a separate offense.

(7) The attorney general is authorized to promulgate rules and regulations to implement the provisions of this section in accordance with the Uniform Administrative Procedures Act, compiled with title 4, chapter 5.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.